

ORDINANCE NO. 194

AN ORDINANCE OF THE CITY OF TIOGA AMENDING ORDINANCE NO. 157, SUBDIVISION REGULATIONS, BY ADDING PROVISIONS ALLOWING REPLATTING AND RESIDENTIAL REPLATS UNDER PROCEDURES SPECIFIED IN THE AMENDMENT; PROVIDING FOR THE PENALTIES PROVIDED IN THE ORDINANCE NO. 157; REPEALING ANY PROVISIONS IN THE ORIGINAL ORDINANCE TO THE CONTRARY.

WHEREAS, the City Council of the City of Tioga has previously adopted Ordinance No. 157, Subdivision Regulations, by action on the 11th day of August, 1997; and

WHEREAS, the need for certain amendments relating to re-plat and re-platting has arisen;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TIOGA, TEXAS:

SECTION 1. AMENDMENT.

Ordinance No. 157, Subdivision Regulations, passed by the City Council on August 11, 1997 is hereby amended by the addition to Section 4. Procedure of new paragraph 4.06 as provided hereafter in Section 2, and new paragraph 4.07 as provided hereafter in Section 3.

SECTION 2. ADDITION OF SECTION 4, PARAGRAPH 4.06.

Ordinance No. 157, Section 4 Procedure, is hereby amended by adding Paragraph 4.06 Re-platting as follows:
4.06 Re-platting.

- (a) Re-platting of property which has been previously platted requires the consent of all directly affected property owners.
- (b) A re-plat must be signed and acknowledged by the owners of the property being re-platted, submitted to the City, and must be approved after a public hearing on the matter.
- (c) The public hearing required for consideration of a re-plat of a property shall be conducted by the City Council unless the City Council shall specifically request the Planning and Zoning Commission to consider the re-plat and make a recommendation to the City Council.

- (d) A re-plat may not amend or remove any covenants or restrictions placed on the property without the consent or approval of all property owners subject to those covenants or restrictions.
- (e) A preliminary plat is not required for a re-plat.
- (f) A re-plat shall be subject to the same fees as required for filing other plats.

SECTION 3. ADDITION OF SECTION 4, PARAGRAPH 4.07.

Ordinance No. 157, Section 4 Procedure, is hereby amended by adding Paragraph 4.07 Residential Re-plats as follows:
4.07 Residential Re-plats.

- (a) Re-plats for subdivisions, or parts of a subdivision must follow special notice and hearing provisions if the subdivision, or any part was during the preceding five years, subject to zoning or deed restrictions for residential uses for not more than two residential units per lot. Notice of the re-plat hearing must be given not less than 15 days before the hearing by:
 - 1) Publication in an official newspaper or newspaper of general circulation in the county in which the municipality is located; and
 - 2) By written notice to the owners of property within 200 feet of the property which is being re-platted.

Such notice must contain a statement that the affirmative vote of at least three-fourths of the members of the appropriate body must approve the plat if written protests signed by the owners of at least 20 percent of the area of lots or lying immediately adjoining the area covered by the proposed re-plat and extending 200 feet from that area, but within the original subdivision are filed with the appropriate reviewing body. Streets and alleys are included in computing the percentage of land area.

SECTION 4. PENALTY.

Any person, firm or corporation who shall violate any of the provisions of this ordinance or who shall fail to comply with any provision hereof shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed two hundred dollars (\$200.00) and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

Passed and Approved this 13th day of November, 2000.

Stacy Kemp
Mayor

Attest:

Donna Carney
City Secretary